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C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 000133

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TAGS: PARM PREL CH PHUM FUN  
SUBJECT: EU HAS "NO INSTRUCTIONS" TO DISCUSS LIFTING CHINA  
ARMS EMBARGO

REF: BRUSSELS 119

Classified By: Political M-C Christopher Davis for reasons 1.4(b) and (d).

**¶1. (C) SUMMARY:** The European Commission Asia Unit informed Poloff on February 2 that there has been "absolutely no move" towards lifting the EU's China arms embargo, despite Spanish FM Moratinos's January 26 public reference to the most recent decision by the EU "to review the decision on the arms embargo." EC Asia Unit and EU Council Secretariat contacts told us that the Spanish Presidency did not include lifting the arms embargo in its priorities and that the issue has not been discussed in any of the Spanish-led 2010 meetings of the EU's Asia-Oceania Working Party (COASI) or of the Political and Security Committee (PSC). Our contacts have been unable to explain the statement by Moratinos, with Spanish COASI Chairman (protect) describing the Spanish FM's comments as "puzzling" and specifying that he had received no instructions from Madrid regarding the arms embargo. USEU will register, as needed, USG continued opposition to the lifting of the embargo. END SUMMARY

22 VOTES SHORT

**¶2. (C)** When imposed in June 1989, the EU's China arms embargo was a unanimous decision of the European Council (i.e., heads of state or government). European Commission Deputy Head of Asia Unit Michalis Rokas explained that there must be unanimous agreement among the 27 EU heads of state and government for the ban to be lifted. The December 2009 European Council Conclusions included a reference to working towards lifting the arms embargo; however, Rokas told us the political will to do this does not exist. He said that the "friends of China" in the European Council currently number only five: Spain, Cyprus, France, Hungary, and Romania, noting this is 22 short of the required number.

THE LINK TO CHINA'S HUMAN RIGHTS RECORD

**¶3. (C)** COASI Spanish EU Presidency Chairman Javier Romera Pintor (protect) told Poloff that he had received no instructions regarding Madrid's plans to begin EU internal discussions regarding the embargo, notwithstanding Spanish FM Moratinos's January 26 reference in a press conference to "the most recent decision" by the EU "to review the decision on the arms embargo" (reftel), which Pintor said he found "puzzling." For his part, Rokas said that while Spain could add the arms embargo to the EU's agenda, it would not be "politically pragmatic" for the EU to lift the ban until the government of China substantially changed its human rights policies. (Note: The EU arms embargo on China has been intrinsically linked to human rights since its establishment following the 1989 Tiananmen Square events. The EU's Common

Position on arms exports, adopted by the Member States in 2008, also imposes restrictions on exports to countries with widespread human rights violations. End note.) According to Geoffrey Harris, Head of the European Parliament's Human Rights Unit, it would be difficult for Spain to justify any steps that would be viewed as politically rewarding to China.

He pointed to the EU reaction to China's December 2009 execution of a European Union national, the first in 50 years, and the European Council's December 2009 declaration on the human rights defender Liu Xiaobo, as signs of the importance the EU attaches to human rights issues, which would make lifting the embargo difficult.

#### SPANISH THINKING ABOUT INCREASED COOPERATION

¶4. (C) Rokas said that he is currently drafting an internal paper outlining possible Chinese reforms that would allow the EU to offer increased cooperation. Rokas is still developing this list of "sticks and carrots," which does not include lifting the embargo, that might be included in any such outreach, and Member States have yet to review the proposal. Rokas said he is confident that the EU would discuss with the U.S. any consideration of lifting the arms embargo, and do so well in advance.

¶5. (C/NF) Rokas characterized Moratinos's statement as "political pandering to the Spanish constituency," and said that Madrid is seeking to exploit what he described as High Representative Catherine Ashton's lack of clear leadership on Asia. He expressed frustration that Ashton has yet to designate her new Director for Asia and lamented the lengthy

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delays before Ashton's office will release EU statements on current events. Meanwhile, according to Rokas, Ashton recently refused to meet with the visiting President of Mongolia, reportedly because he was not of sufficient stature, although EU Council President Herman Van Rompuy agreed to do so.

#### COMMENT

¶6. (C) USEU will be vigilant for signs from EU Member State regarding the likelihood of further discussion on the embargo, and underline our continued opposition to lifting it.

KENNARD

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